

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NORTH CAROLINA;
PATRICK MCCRORY, in his official
capacity as Governor of North Carolina;
NORTH CAROLINA DEPARTMENT OF
PUBLIC SAFETY; UNIVERSITY OF
NORTH CAROLINA; and BOARD OF
GOVERNORS OF THE UNIVERSITY OF
NORTH CAROLINA,

Defendants.

Case No. 1:16-cv-00425-TDS-JEP

**MOTION TO INTERVENE BY THE HON. PHIL BERGER, PRESIDENT PRO
TEMPORE OF THE NORTH CAROLINA SENATE, AND THE HON. TIM
MOORE, SPEAKER OF THE NORTH CAROLINA HOUSE OF
REPRESENTATIVES**

By: /s/ S. Kyle Duncan
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**Specially Appearing Pursuant to Local
Civil Rule 83.1(d)*

By: /s/ Robert D. Potter, Jr.

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Attorneys for Proposed Intervenors

MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24 and Local Rule 7.3, Proposed Intervenor Phil Berger and Tim Moore seek to intervene as Defendants in their official capacities as the President pro tempore of the North Carolina Senate and Speaker of the North Carolina House of Representatives, respectively. For the reasons stated in accompanying memorandum, Proposed Intervenor respectfully request that this Court issue an order granting them permissive intervention under Federal Rule of Civil Procedure 24(b)(1), or, alternatively, intervention of right under Federal Rule of Civil Procedure 24(a)(2). As required by Federal Rule of Civil Procedure 24(c), Proposed Intervenor are contemporaneously filing a Proposed Answer and Counterclaims.

Before filing, Counsel for Proposed Intervenor conferred with Plaintiffs' counsel, who take no position on the motion at this time. No counsel for Defendants has yet appeared.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2016, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ S. Kyle Duncan
S. Kyle Duncan
Attorney for Proposed Intervenors